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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,595

04/12/2005

Herbert Wehler

10016.513

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39231

7590

02/01/2007

SMITH LAW OFFICE
440 SCIENCE DR.
SUITE 302
MADISON, WI 53711

EXAMINER

JONES, DAVID B

ART UNIT

PAPER NUMBER

3725

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

SA

Office Action Summary	Application No. 10/510,595	Applicant(s) WEHLER ET AL.	
	Examiner David B. Jones	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-25 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/7/2004 and 12/23/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation in correcting any errors or which applicant may become aware in the specification. Note that the claims are mentioned by number in the specification in describing the invention. This should be avoided in that the claims may change or be deleted in the prosecution of the case; the specification should stand on it own (see at least page 3, line 13).

2. Claims 2-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 25, line 2, the applicant uses the limitation, "and the like". This limitation has been deemed indefinite by the Board of Patent Appeals in that the metes and bounds of the claim is open ended. The Applicant must limit his claim to the device he has invented.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25, 2, 4, 5, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kunert et al. Kunert et al. teaches the claimed invention including a robot 1, a plurality of links 5 having a central body, i.e., a central opening 6, for holding conductors 15, a flexible linking element extending through the central body allowing relative

movement between the links 5. Further Kunert et al. teaches holders 14 for holding the chain to the robot 1. The spatial deflection limiting mechanism is considered to be the confronting surfaces on the front and back of the links (See Fig. 2).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25, 2-5, and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunert et al. in view of Holshausen '957. Kunert et al. teaches the claimed invention as treated supra excepting the particulars of the chain guiding apparatus for guiding conductors. Holshausen teaches in Figs. 15-18 the claimed structure of the particular chain including a plurality of links 80 having a central body 88, for holding conductors, a flexible linking element 92/88 extending through the central body allowing relative movement between the links 80. The spatial deflection limiting mechanism is considered to be the confronting surfaces on the front and back of the links. The central body 88 of Holshausen has webs 94 and 98 linked to walls 90. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the robot device of Kunert et al a chain as taught by Holshausen to provide for the advantage taught therein of allowing freedom of movement and ease of inserting power cables, such a provision being an obvious choice of chain design expedients.

5. Claims 25, 2-5, and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunert et al. in view of DE 196 17 900 (Fig. 6) or EP 0 875 695 (Fig.

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7). The references to DE '900 and EP '695 both teach chains similar to that of Holshausen that was treated supra, hence they are not treated herein. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the robot device of Kunert et al a chain as taught by DE '900 or EP '695 to provide for the advantage taught therein, such a provision being an obvious choice of chain design.

6. Claims 6-8 and 15-24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

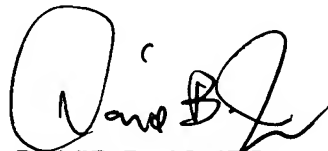
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David B. Jones whose telephone number is (703) 308-1887.

Any inquiry of general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3700.

In the event that the Applicant (s) wishes to communicate via Fax number for Group 3700 is (703) 872-9306.

wahp



DAVID B. JONES
PRIMARY PATENT EXAMINER
ART UNIT 3725